

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONTU.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

PHILIP BROOKS, Individually and)
 as Administrator of the Estate of)
 Marjory Brooks, and WILLIAM BRAUN,)
 Plaintiffs,)
 vs.) Civil Action
 AMERICAN ALTERNATIVE INSURANCE) Case No.
 CORPORATION,)
 Defendant.)

2004 DEC 17 AM 10 58

CLERK
BY *[Signature]*
DEPUTY CLERK

2:04-cv-341

COMPLAINT

NOW COME the Plaintiffs, Philip Brooks, Individually and as Administrator of the Estate of Marjory Brooks and William Braun, by and through their attorneys, Lynn, Thomas & Mihalich, P.C., and complains as follows:

1. Marjory Brooks was a resident of Barton, Vermont before her death on August 25, 2003.
2. Philip Brooks is Marjory Brooks' son and has been duly appointed administrator of her estate.
3. American Alternative Insurance Corporation("AAIC") is a Delaware corporation, with its principal place of business in York, Pennsylvania. AAIC provided the Barton Ambulance Squad, Inc. with a policy of insurance. The policy of insurance in effect at the time of Marjory Brooks' death provided UM/UIM benefits to Marjory Brooks and her estate.
4. On August 25, 2003, Marjory Brooks was a member of the Barton Ambulance Squad. An emergency call was received by the Squad. Ms. Brooks rode as a passenger in an emergency response vehicle, a Ford Explorer, driven by Squad member Clarence Moore. Mr. Moore activated the Explorer's emergency equipment to alert other automobiles.

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5. Mr. Moore encountered a vehicle during the drive to the location of the emergency. The vehicle slowed to allow Mr. Moore to pass. Mr. Moore began to pass the vehicle when suddenly the vehicle swerved in front of the Explorer. The Explorer left the road. The other vehicle did not stop and the driver has not been identified.
6. Ms. Brooks was killed in the accident. The accident was caused in whole or in part by the negligence of the unidentified driver of the other vehicle. Accordingly, the Estate of Ms. Brooks is entitled to collect benefits under the UM/UIM provisions of the AAIC policy.
7. Ms. Brooks suffered recoverable harm prior to the time of her death. Her next of kin have suffered recoverable harm as a result of her death.
8. Plaintiffs in this matter are entitled to recovery in excess of \$75,000.

WHEREFORE, Plaintiffs seek the following relief:

- A. Compensatory damages;
- B. Interest, costs and attorney's fees; and
- C. All other relief the court deems just and equitable.

JURY DEMAND

Plaintiffs demand trial by jury on all issues so triable.

DATED at Burlington, Vermont, December 15, 2004.

PHILIP BROOKS, Individually and as
Administrator of the Estate of Marjory
Brooks and WILLIAM BRAUN

By:


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